

AMENDED IN SENATE MAY 31, 2005
AMENDED IN SENATE APRIL 19, 2005
AMENDED IN SENATE MARCH 30, 2005

SENATE BILL

No. 117

Introduced by Senator Murray
(Coauthors: Senators Dutton and Romero)
(Coauthor: Assembly Member Dymally)

January 26, 2005

An act to amend Section 3010 of the Elections Code, relating to absent voting, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 117, as amended, Murray. Elections: absentee ballots.

Existing law requires an elections official to provide a qualified applicant for absent voting with the ballot for the precinct in which the voter resides and all supplies necessary for the use and return of the ballot.

This bill would require an elections official to provide a qualified applicant for absent voting with a business reply envelope in which to return ~~the~~ *a federal election* ballot. By imposing additional duties on local elections officials, this bill would impose a state-mandated local program.

This bill would establish the Absent Voting Postage Fund, ~~a continuously appropriated fund, and authorize~~ *would require that all moneys deposited in the fund, to be expended* to provide business reply envelopes in which to return ~~an absent ballot~~ *completed absent voter ballots in federal elections be deposited into that fund.*

~~This bill would make a continuous appropriation from the General Fund to this fund, as necessary to carry out the provisions of this bill.~~

This bill would require the Secretary of State to amend the state plan submitted to the federal Election Assistance Commission pursuant to the federal Help America Vote Act of 2002 in order to enable the use of federal funds available under that act for business reply envelopes in which to return completed absent voter ballots in elections for federal offices. The bill would require the plan to be amended to end this program when the federal funds are depleted.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state and not covered by the appropriation contained in this bill, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: $\frac{2}{3}$ -majority. Appropriation: ~~yes-no~~. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3010 of the Elections Code is amended
 2 to read:
 3 3010. (a) The elections official shall deliver to each qualified
 4 applicant:
 5 (1) The ballot for the precinct in which he or she resides. In
 6 primary elections this shall also be accompanied by the ballot for
 7 the central committee of the party with which the voter is
 8 affiliated, if any.
 9 (2) All supplies necessary for the use and return of the ballot,
 10 including a business reply envelope in which to return the
 11 completed absent voter ballot.
 12 (b) The Absent Voting Postage Fund is hereby established in
 13 the State Treasury. ~~Moneys in the Absent Voting Postage Fund~~
 14 ~~are hereby continuously appropriated and shall be continuously~~
 15 ~~utilized without regard to fiscal years for the payment of postage~~
 16 ~~costs incurred by county elections officials pursuant to this~~
 17 ~~section. Notwithstanding Section 13340 of the Government~~
 18 ~~Code, all funds appropriated by the Legislature to provide Any~~
 19 ~~moneys to provide~~ business reply envelopes in which to return

1 completed absent voter ballots *in elections for federal offices*
2 shall be deposited into this fund.

3 (c) No officer of this state may make any charge for services
4 rendered to any voter under this chapter.

5 *SEC. 2. The Secretary of State shall amend the state plan*
6 *submitted to the federal Election Assistance Commission*
7 *pursuant to a provision of the federal Help America Vote Act of*
8 *2002 (42 U.S.C. Section 15403) in order to enable the use of*
9 *federal funds available under that act for business reply*
10 *envelopes in which to return completed absent voter ballots in*
11 *elections for federal offices. The state plan shall be amended to*
12 *end this program when the funds available to the state for this*
13 *purpose pursuant to the Help America Vote Act are depleted.*

14 ~~SEC. 2. Notwithstanding Section 13340 of the Government~~
15 ~~Code, there is hereby continuously appropriated from the General~~
16 ~~Fund, for purposes of Section 3010 of the Elections Code, a sum~~
17 ~~of money necessary to carry out that section, appropriated~~
18 ~~without regard to fiscal years.~~

19 ~~SEC. 3. If the Commission on State Mandates determines that~~
20 ~~this act contains costs mandated by the state not covered by~~
21 ~~Section 2 of this act, reimbursement to local agencies and school~~
22 ~~districts for those costs shall be made pursuant to Part 7~~
23 ~~(commencing with Section 17500) of Division 4 of Title 2 of the~~
24 ~~Government Code.~~

25 *SEC. 3. If the Commission on State Mandates determines that*
26 *this act contains costs mandated by the state, reimbursement to*
27 *local agencies and school districts for those costs shall be made*
28 *pursuant to Part 7 (commencing with Section 17500) of Division*
29 *4 of Title 2 of the Government Code.*